

In response to the Notice of Non Compliant Amendment mailed November 2, 2005, Applicant restates and affirms the election made in Applicant's Response to Election Requirement and Amendment filed on October 17, 2005:

ELECTION

In response to the election Requirement mailed September 15, 2005 Applicant elects, for prosecution on the merits and without traverse, the invention of a "method of filtering" of Group III and Claims 37 – 40.

WITHDRAWALS

Claims 1 – 36, 41 and 42 are withdrawn from consideration, pending the allowance of the claims of the elected claims.

NEW CLAIMS ADDED BY AMENDMENT

New Claims 43 – 47 are drawn to the "method of filtering" of Group III and are added by amendment to more fully claim the "method of filtering" invention disclosed in the specification.

REMARKS

This application was filed with 42 claims. Applicant was required under 35 U.S.C. 121 to elect a single invention and a single disclosed species of that invention for prosecution on the merits. Applicants elected Group III, and Claims 37 – 40 as readable upon the elected species. Claims 1 – 36, 41 and 42 have been withdrawn pending the allowance of the elected claims. No claims have been cancelled. New Claims 43 – 47 are added by amendment. Therefore, Claims 37 – 40 and 43 – 47 are pending in the Application.

Applicant submits that this response places the application in a condition for examination. Reconsideration of the application based on the remaining claims and arguments submitted above is respectfully requested.

The Commissioner is authorized to charge the additional filing fee for the added claims in the amount of \$305.00 to Deposit Account 23-0035, unless such fee has already been charged for entry of these claims. The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Notice of Non Complaint Amendment to Deposit Account 23-0035.

Respectfully submitted,



Howard H. Bayless
Registration No. 51,245
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Howard H. Bayless
Waddey & Patterson, P.C.
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF MAILING

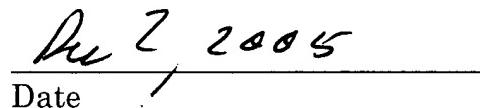
I hereby certify that this RESPONSE TO NOTICE OF NON COMPLIANT AMENDMENT in the prosecution of U.S. Patent Application Serial Number 10/780,791 having a filing date of February 18, 2004 is being transmitted via first class mail with the United States Postal Service addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 2, 2005.

Howard H. Bayless


Howard H. Bayless
Registration Number 51,245


Date